

**MACON COUNTY BOARD ORDINANCE
APPROVING MACON COUNTY, ILLINOIS
REFUSE ORDINANCE**

RESOLUTION NO. O-60-6-06

WHEREAS, the Macon County Environmental, Education, Health & Welfare (EEHW) Committee met May 18, 2006 and were presented with a Refuse Ordinance by the Macon County Solid Waste Management Executive Director; and

WHEREAS, due to the ongoing issues of unregulated and indiscriminate hauling; dumping; disposal; depositing and placing of refuse that is a threat to the health, safety and welfare of the residents of Macon County there is a need for an ordinance to regulate refuse disposal facilities and refuse hauling vehicles; and

WHEREAS, the EEHW Committee voted to approve the attached Refuse Ordinance in its entirety.

NOW, THEREFORE, BE IT RESOLVED by the Macon County Board that it hereby approves the attached Macon County, Illinois Refuse Ordinance in its entirety.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon the adoption thereof.

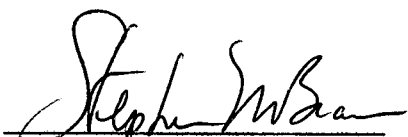
PRESENTED, PASSED, APPROVED this 8th day of June, 2006.

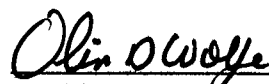
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MACON COUNTY BOARD
MACON COUNTY, ILLINOIS

ATTEST:

BY:


Stephen M. Bean, Clerk for the
County of Macon, State of Illinois


David Wolfe, Chairman
Macon County Board

FILED
JUN 09 2006
STEPHEN M. BEAN
COUNTY CLERK, MACON COUNTY

MACON COUNTY, ILLINOIS REFUSE ORDINANCE

WHEREAS, the unregulated and indiscriminate hauling; dumping; disposal; depositing and placing of refuse is a threat to the health, safety and welfare of the residents of Macon County; and;

WHEREAS, there is vested in the Macon County Board, by the State of Illinois, certain powers to regulate refuse disposal facilities and refuse hauling vehicles;

NOW THEREFORE, be it resolved by the Macon County Board of Macon County, Illinois, as follows:

SECTION I

Article I - Definitions

For the purposes of this ordinance:

1. The "Act" means the Illinois Environmental Protection Act, as amended from time to time.
2. "Agency" means the Illinois Environmental Protection Agency (IEPA).
3. "Composting" means the biological process by which microorganisms decompose organic waste, producing a humus-like material commonly referred to as compost.
4. "County" means Macon County, Illinois.
5. "County Board" means the Macon County Board and/or their designee.
6. "Disposal" means the discharge, deposit, dumping or placing of any waste or refuse on any land or water so that such waste or refuse may enter the environment.
7. "Dwelling" means any enclosed space wholly or partly used, or intended to be used for living, sleeping, cooking and eating.
8. "Inspector" means the person designated by the County to serve as the solid waste/refuse management inspection/enforcement officer.
9. "Landscape Waste" means waste materials resulting from normal lawn care such as leaves, grass clippings, brush/tree branches, etc.
10. "Pollution Control Facility (PCF)" means waste disposal, storage, or transfer facilities as defined in the Act.

11. **“Recyclables”** means source separated, commingled, and/or pre-sorted materials including but not limited to paper and paper products, glass, plastics, and ferrous and non-ferrous metals to be processed for recycling.
12. **“Refuse”** means and includes garbage resulting from the handling, preparation, cooking and consumption of food and produce; combustible and non-combustible rubbish including but not limited to paper, glass, metal, and plastic packaging and containers, rubble resulting from construction and demolition activities, bulky wastes such as autos and auto parts, furniture, and appliances, ashes and other residues, wood and textile waste, and other putrescible and non-putrescible wastes. This definition does not include clean recyclables destined for a recycling processing facility.
13. **“Refuse Disposal Facility”** means any facility that accepts waste refuse for disposal or transfer. This term includes any facility covered under the Solid Waste Inspection/Enforcement Delegation Agreement between Macon County and the Illinois Environmental Protection Agency (IEPA). This term generally includes any sanitary landfill, transfer station, and compost facility.
14. **“Refuse Hauler”** means any person, persons, firm or corporation who engages in the business of collecting or transporting/hauling refuse.
15. **“Refuse Hauling Vehicle”** means any vehicle of any kind used to collect and/or transport waste to any refuse management facility (located inside or outside of Macon County) at any time whether such use is casual or infrequent, or regular, except such vehicles owned or operated by any incorporated city, village, or town.
16. **“Sanitary landfill refuse disposal method”** means that method of disposal involving a permitted landfill operation that compacts refuse upon deposit and, which completely covers the refuse received daily at the close of each days operations using an approved daily cover.
17. **“Solid Waste”** means refuse, garbage, recyclables, landscape wastes, and other wastes except sewage.
18. **“Solid Waste Department”** means the Macon County Solid Waste Management Department.
19. **“Solid Waste Disposal Facility”** means the same as Pollution Control Facility.
20. **“State”** means the State of Illinois.
21. **“Waste”** means refuse.

SECTION II

Article I - Refuse Collection

- A. It shall be the duty of every tenant, lessee, or occupant of any dwelling, tenement house, lodging house, hotel, restaurant, boarding house, or other person, persons, firm or corporation, on whose premises kitchen and household refuse accumulates, to subscribe to regular refuse collection service, to provide at all times, containers of sufficient size and quantity to hold all refuse between collections. Such containers shall be water tight and have a tight fitting lid or closure. Containers should be of such size as to be handled/lifted by one man unless the licensed hauler is equipped with automated collection equipment. The minimum refuse removal frequency for each property with an occupied dwelling shall be once per month.
- B. Bulky trash should be cut or broken down into pieces of such size that they can be handled by one man unless special arrangements have been made with a licensed hauler. Excess liquids should be drained off to avoid leakage.

Article II - Refuse Hauling License

- A. No person, firm, or corporation shall engage in the business of collecting refuse or be permitted to haul, convey, or transport any refuse over and upon the streets or roads of Macon County without having first obtained an Annual Refuse Hauling License from the Inspector.
- B. No applicant shall be granted a license until it has been verified by the Inspector that the applicant has the proper and necessary equipment as defined in this Article.
- C. All applications for an Annual Refuse Hauling License shall be made on forms provided by the Inspector and shall be returned to the Inspector when completed.
- D. Within thirty (30) days after the filing of each application, the Inspector shall either deny or issue the requested license. In making a decision, the Inspector shall consider the following factors, as well as other factors deemed appropriate:
 - 1. The areas the applicant intends to serve.
 - 2. Whether such service is needed.
 - 3. Whether the equipment to be used by the applicant meets the requirements of this Ordinance.
 - 4. The past history of the applicant.

No such granting of a license shall be construed as a monopoly, exclusive privilege,

immunity, or franchise.

- E. In the event that an application for license is denied, another such application for license by the same applicant may not be filed within a period of one year from the date of such denial unless upon approval of the Chairman of the County Board following a showing of a change of circumstance which would warrant a reconsideration. No Annual Refuse Hauling License shall be issued to any person who, or any firm or corporation which, or any officer of which, has been convicted of any violation of this Ordinance within three (3) years preceding the date of application for said license.
- F. Before a refuse hauling license shall be issued, each applicant shall file with Macon County, a financial assurance bond in the penal sum of one thousand dollars (\$1,000). This bond shall be held to ensure that at all times, the applicant will observe and comply with the ordinances and regulations of Macon County relative to the license issued hereunder, and that licensee will pay any and all fines, penalties and costs incurred associated with any violation of this Ordinance, and that he/she will provide to his/her customers with the service which they have paid for.
- G. If during the period covered by the license granted, the licensee shall permit his equipment to fall into disrepair or other such state that does not meet the standards of this Ordinance, or licensee fails to obey any provisions of this Ordinance, the license may be revoked in the manner provided in and by this Ordinance.
- H. The applicant for license must designate in his/her application, the location(s) where he/she intends to dispose of the refuse collected by the licensee. Any change in disposal location shall be immediately reported to the Inspector and then noted on the license application.
- I. The licensee shall keep accurate records so that he/she can provide to the Inspector, from time to time, as requested by the Inspector, information pertaining to quantity of refuse, collected, disposed, recycled, etc.
- J. The licensee shall at all times keep an accurate list of the names and addresses of his/her customers, and shall upon request, deliver a copy of said list to the Inspector.
- K. Each licensee, so far as it is feasible, shall serve customers in compact areas in order to prevent more refuse vehicles than is necessary from traveling the same streets and areas for collection.
- L. The rates for hauling refuse should be fair and reasonable. Each applicant must disclose their current schedule of fees to the Inspector at the time of application. Any adjustment in the fee schedule must immediately be reported to the Inspector.
- M. Each licensee must offer the following minimum service level to residential customers:

1. Once a week refuse removal (a less frequent option may be offered in extreme cases in which the dwelling is not continually occupied and the hauler is willing).
 2. Once a week landscape waste removal (at least April - November).
- N. All licensees and licensed vehicles used in the collection and/or hauling of refuse shall conform to the following requirements:
1. Vehicles shall be kept in a neat, clean and sanitary condition.
 2. Vehicles shall be thoroughly cleaned as frequently as needed so as not to give off offensive or obnoxious odors when empty, parked, or stored.
 3. Vehicle beds shall be in good operating condition and shall be metal, water tight and covered to prevent refuse from blowing, falling, or spilling from the vehicle .
 4. Vehicles shall not be overloaded.
 5. Vehicles shall be kept neatly painted at all times and permanently marked on both sides, either on the door of the cab or in the center of the side of the bed, in letters no smaller than three inches (3") in height, with the name, address, and phone number of the hauler or hauling business. These letters must be of a color that makes them easily legible.
 6. Vehicles shall be inspected for all of the above requirements by the Inspector prior to the issuing of an Annual Refuse Hauling License.
- O. At the time of issuance of an Annual Refuse Hauling License, the Inspector shall provide a decal, approximately 3" x 3". The face of the decal shall bear the following:
1. The words: Licensed Refuse Hauler
 2. The year that the license is issued for.
 3. The words: Macon County, Illinois
 4. An individual identification number.
- The decal shall be affixed to the lower left side of the appropriate vehicles' windshield for the duration of the license. The color of the decal shall be changed each year. No decal nor license shall be transferable from owner to owner or vehicle to vehicle.
- P. The licensing fee shall be fifty dollars (\$50.00) for each vehicle to be used. All licenses shall expire on June 30 of each year. Revenue from licensing fees shall be placed into the Solid Waste Management Fund to help defray the cost of the solid waste

inspection/enforcement program.

Q. Residential refuse collection shall not commence before 6:00 a.m. each day.

Article III - Rules and Regulations

- A. No person, firm, or corporation shall discharge, deposit, dump or place any refuse, or cause or permit the discharging, depositing, dumping or placing of any refuse, on any premises in Macon County other than an area or facility that is permitted by the Agency at the time of such discharging, depositing, dumping or placing of refuse. Exempt from this rule are private property owners composting waste that was generated on the property in question as allowed by law, clean demolition debris as allowed by law, and recycling facilities accepting one or more of the following clean materials for recycling: paper and paper products, glass, plastics, ferrous and non-ferrous metals.
- B. No person, firm, or corporation, owning, controlling or operating any vehicle used for the purpose of collecting, carrying, transporting, or hauling refuse in Macon County shall cause or permit any vehicle to be so loaded, out of repair, constructed or operated so that any refuse with which such vehicle is loaded shall blow, fall, drop, spill, or otherwise leave the vehicle in any place other than at a permitted refuse disposal facility.
- C. No person, firm, or corporation shall move any vehicle used for the purpose of collecting or hauling refuse, or cause or permit such vehicle to be moved in Macon County at any time unless the doors and covers on such vehicles are closed and fastened or locked.
- D. No person, firm, or corporation shall burn any refuse or cause or permit the burning of any refuse in Macon County except at a State permitted and/or licensed incineration facility, and then only those materials specified in the permit may be burned. Also, landscape waste including brush, tree limbs, and other unprocessed wood waste may be burned on the property at which such waste was generated so long as it is done in such a manner that does not present a fire hazard nor is offensive to any occupants of any nearby dwelling. Such a fire must at all times be monitored by a responsible party and must not violate the orders of any Fire Department officials or state or local laws governing open burning.
- E. Clean concrete (no re-bar or other debris), asphalt, brick or rock that is dumped at a licensed refuse disposal facility may be set aside to be used for road improvements only on the permitted premises, all other refuse must be deposited in the designated disposal area.
- F. All-weather operational roads shall be provided for vehicular movement within the area of any permitted disposal facility. When necessary to prevent dust, operational roads shall be surfaced or treated.
- G. All licensed refuse hauling vehicles shall be inspected by the Inspector no less than once every twelve (12) months with the annual inspections being conducted at the time of license application or renewal. Any discovery of unsafe or unsanitary conditions or

violations of this ordinance by the inspector shall be communicated immediately verbally to the owner of the vehicle, and then in writing as soon as is possible with a time limit for correction of the condition(s) in violation. The Annual Refuse Hauling License may not be issued or may be suspended if the seriousness of the violation so warrants based on the opinion of the inspector.

- H. Reasonable extensions of the time limit to correct violations may be granted by the Inspector or the County Board upon request in writing, and upon proof of good cause for extension or that an honest effort is being made to correct the violation(s).
- I. The Inspector shall keep a record showing the date and findings/results of each inspection of refuse hauling vehicles and shall keep a record of any enforcement action and follow up taken against the same.
- J. The Inspector shall have the right to enter any premises or facility for the purposes of conducting a regular inspection or special inspection in response to a complaint at any and all times.

SECTION III

Article I - Appeal

- A. An appeal may be taken from the decision of the Inspector in any case covered by this Ordinance, by the person aggrieved by said decision. Such appeal shall be taken within a period not to exceed thirty (30) days from the date of issuance of the decision being appealed. Such appeal shall be filed with the Macon County Clerk and shall specify the grounds for the appeal.
- B. Upon receipt of a notice of appeal, the Clerk shall notify the Chairman of the County Board who shall then place the matter upon the agenda of the next regularly scheduled meeting of the County Board. The Clerk shall then notify the parties involved of the date, place, and time of the meeting.
- C. The Macon County Board may uphold, reverse, or modify the decision of the Inspector as necessary in the Board's opinion. However, no decision of the inspector shall be reversed without at least a two-thirds (2/3) favorable vote by the Board members present and voting.

Article II - Penalty

- A. The violation of any provision of this Ordinance is a misdemeanor and may be punishable by a suspension of any license (length of suspension to be determined) held under the provisions herein or by a fine of not less than fifty dollars (\$50.00), or by both a suspension and a fine. A second or subsequent violation of this ordinance shall be

punishable by a fine of not less than \$100.00. Each day that a violation of this ordinance occurs or is allowed to continue is considered a separate offense, with each separate violation subject to a separate penalty, as provided for herein.

- B. In addition to any other penalty or action provided for or authorized by this Ordinance, the County may institute any action or proceeding to prevent any violation hereof, to restrain, correct or abate such violation, or to prevent the operation of any refuse disposal facility and/or vehicle in violation of this Ordinance.

Article IV - Solid Waste Management Fund

- A. Payments collected pursuant to this Ordinance shall be deposited in a separate fund, designated as the Solid Waste Management Fund, and shall be expended only for Solid Waste Management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act.
- B. The Agency may conduct an annual audit of the expenditures made from this fund to ensure that the expenditures have been made for the prescribed purposes.

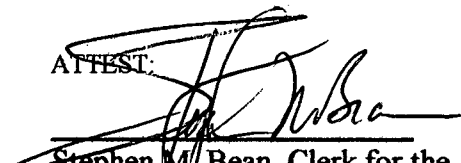
Article V - Validity

If any section, sub-section, sentence, clause or phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

PRESENTED, PASSED, APPROVED this 8th day of June 2006.


AYES 19 NAYS 0

ATTEST:


Stephen M. Bean, Clerk for the
County of Macon, State of Illinois

MACON COUNTY BOARD
MACON COUNTY, ILLINOIS

BY:


David Wolfe, Chairman
Macon County Board